

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

MICAH WASHINGTON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Case No. 7:25-cv-00138-ACA
)	
CITY OF REFORM, et al.,)	
)	
Defendants.)	

MOTION TO DISMISS

COMES NOW Defendant Jodie Elmore, former Deputy Sheriff for Pickens County, Alabama, pursuant to Rules 12(b)(1), and 12(b)(6), Fed. R.Civ. P., and respectfully moves this Court to dismiss Plaintiff's claims against him in the Plaintiffs' Complaint. (Doc. 1) Defendant shows as follows:

1. Plaintiffs' § 1983 claims against Defendant in his official capacity are barred by the Eleventh Amendment to the United States Constitution. They are also due to be dismissed because in his official capacity, Defendant is not considered a "person" for purposes of § 1983.

2. Plaintiffs' § 1983 claims against Defendant in his individual capacity are due to be dismissed because the Defendant is entitled to qualified immunity.

3. Plaintiffs' state-law claims against this Defendant are due to be dismissed, and this Court lacks subject matter jurisdiction over said claims, because

Defendant is entitled to State Immunity pursuant to Article I, Section 14, *Const. of Ala. 1901*.

4. Plaintiffs have also failed to state plausible state-law claims against this Defendant and said claims should be dismissed for this reason as well.

5. In support of this Motion to Dismiss, Defendant submits a Memorandum Brief that is being filed concurrently with this motion.

WHEREFORE, THE PREMISES CONSIDERED, Defendant respectfully moves this Court to dismiss all claims against him in the Plaintiff's Complaint, and grant him any other relief to which he may be entitled.

This the 10th day of April, 2025.

s/ Constance Caldwell Walker
Constance Caldwell Walker
(ASB-5510-L66C)
Attorney for Defendant Jody Elmore

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of April, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide notice to the following CM/ECF participants:

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